

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE                   §  
PETITION OF MIR MOUSAVI           §     No. 68, 2009  
FOR A WRIT OF CERTIORARI.       §     C.A. No. 07J-11-077

Submitted: March 4, 2009  
Decided:    March 16, 2009

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

**ORDER**

This 16<sup>th</sup> day of March 2009, upon consideration of the petition for a writ of certiorari and the transcript filed by the petitioner, Mir Mousavi, and the response filed by Shahla Vakili, it appears to the Court that:

(1) Mir Mousavi seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of certiorari to the Superior Court.<sup>1</sup> We conclude that Mousavi's petition manifestly fails to invoke the original jurisdiction of this Court and therefore must be DISMISSED.

(2) It appears that by order dated September 24, 2007, the Family Court determined that Mousavi was indebted to Vakili as follows: (a) \$1,911,023.91 pursuant to a May 15, 2003 order regarding property division, (b) \$89,000 for back alimony, and (c) \$6,000 per month in alimony from February 1, 2003, until the property division debt was paid in full.<sup>2</sup> In the

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<sup>1</sup> Del. Const. art. IV, § 11(5).

<sup>2</sup> *Vakili v. Mousavi*, Del. Fam., File No. CS00-03381, Millman, J. (Sept. 24, 2007).

same order, the Family Court credited Mousavi with payments totaling \$19,000 against the indebtedness.<sup>3</sup>

(3) On November 21, 2007, the Family Court judgment was recorded as a judgment in the Superior Court pursuant to title 10, section 4733 of the Delaware Code.<sup>4</sup> Mousavi is now the defendant in the Superior Court matter that was brought by Vakili to enforce the judgment.<sup>5</sup>

(4) As part of the execution process, on January 16, 2009, the Superior Court granted Vakili's motions to compel Mousavi to respond to discovery requests.<sup>6</sup> In his petition for a writ of certiorari, Mousavi asks this Court to review the orders granting Vakili's motions to compel.

(5) A writ of certiorari is an extraordinary remedy that is used to correct irregularities in the proceedings of a trial court.<sup>7</sup> Certiorari is available to challenge only a final order of a trial court where the right of appeal is denied, a grave question of public policy and interest is involved, and no other basis for review is available.<sup>8</sup> "Where these threshold

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<sup>3</sup> *Id.*

<sup>4</sup> Del. Code Ann. tit. 10, § 4733 (1999).

<sup>5</sup> *Vakili v. Mousavi*, Del. Super., C.A. No. 07J-11-077 (attachment fi fa filed June 9, 2008).

<sup>6</sup> *Vakili v. Mousavi*, Del. Super., C.A. No. 07J-11-077, Bradley, J. (Jan. 16, 2009) (orders compelling responses to fourth set of interrogatories; fourth request for production; fifth set of interrogatories; fifth request for production; and first request for admission, sixth set of interrogatories and sixth request for production).

<sup>7</sup> *In re Butler*, 609 A.2d 1080, 1081 (Del. 1992).

<sup>8</sup> *Id.*; *Shoemaker v. State*, 375 A.2d 431, 437-38 (Del. 1977).

requirements are not met, this Court has no jurisdiction to consider the petitioner's claims.”<sup>9</sup>

(6) In this case, Mousavi has failed to demonstrate that he is challenging a final order of a trial court, that his right of appeal is denied, and that the January 16, 2009 discovery orders present a grave question of public policy and interest. Because Mousavi has failed to meet the threshold requirements for the issuance of a writ of certiorari, this Court has no jurisdiction to consider his petition.

NOW, THEREFORE, IT IS ORDERED that Mousavi's petition for a writ of certiorari is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>9</sup> *In re Butler*, 609 A.2d 1080, 1081 (Del. 1992).